

REMARKS

Claim 14 has been amended to correct a typographical error. No new matter has been added by this amendment.

The rejection of Claims 6-7 and 14-15 under 35 U.S.C. §112, first paragraph, is respectfully traversed. The disclosure clearly defines method of administration (see specification page 49, starting at line 16) and a range of dosages (see specification page 49, starting at line 20.) Further, ARBs in general and losartan specifically, are commercially available, in discrete dosages, for prescription by physicians. It is common knowledge and practice, known to any general practitioner physician, to supply the lowest dosage first, increasing the dosage until improvement in the patient's condition is achieved. The essential limitation in the use of ARBs, the patient's blood pressure tolerance, is both well known and discussed in the Applicant's disclosure. While the specific examples given in the Applicant's specification utilize ARBs other than losartan, a person skilled in the art, given the general nature of Applicant's specification, would clearly understand that these examples apply equally to the use of losartan. It is therefore respectfully requested that the rejection of Claims 6-7 and 14-15 under 35 U.S.C. §112, first paragraph, be withdrawn.

The rejection of Claims 6-7 and 14-15, under 35 U.S.C. §102 (e) as being anticipated by U.S. PreGrant Publication No. 2004/0259934 to Olsen et al. is respectfully traversed. The Olsen publication cited by the Examiner claims priority to two provisional applications, dated May 1, 2003 and May 15, 2003. The Applicant's application at issue claims priority to several provisional applications, including 60/465,908, filed on April 25, 2003. The Olsen publication

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therefore cannot anticipate the Applicant's application since the Olsen publication has a later effective filing date.


It is further noted that the Examiner has cited the Olsen teaching regarding SARS treatment, wherein Olsen cited two GenoMed press releases (see 8/2/06 Office Action at page 5.) Genomed is the assignee of the Applicant's application, and these press releases correspond to the provisional application filed by the Applicant on April 25, 2003. Since the Examiner found these disclosures to be relevant support for the §102 rejection, it cannot now be argued that these disclosures, and the corresponding provisional application, are not relevant to support the Applicant's claim of priority.

It is therefore respectfully requested that the rejection of Claim 6-7 and 14-15 under 35 U.S.C. §102 (e) as being anticipated by U.S. PreGrant Publication No. 2004/0259934 to Olsen et al. be withdrawn.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

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